

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT HARTSOCK,
 Plaintiff,

v.

WAL-MART STORES EAST, INC., et al.,
 Defendants.

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CIVIL NO. 07-3200

ORDER

AND NOW, this 23rd day of November, 2009, upon consideration of Defendants' Partial Motion for Summary Judgment [Doc. No.18], subsequent filings by both parties [Doc. Nos. 17, 18, 19], and the initial pleadings in this case [Doc. Nos. 1 Ex. A, 5], it is hereby **ORDERED** that Defendants' Motion is **GRANTED**.

Plaintiff's failure to warn claim, contained in the Complaint [Doc. No. 1 Ex. A] as part of paragraph 18 and paragraph 20 (d) through (f), is **DISMISSED**. The claims for defective design and defective manufacture remain. It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.